



#3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TONER et al.

Attention:

BOX MISSING PARTS

Serial No.: 09/425,289

Filed: October 25, 1999

For: EMBOLUS THERAPY USING INSOLUBLE MICROPARTICLES
OR VESICLES CONTAINING CONTRAST AGENTS

RESPONSE AND SUBMISSION OF MISSING PARTS OF APPLICATION
HAVING BEEN GRANTED FILING DATE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Notice to File Missing Parts mailed November 17, 1999, in connection with the above-identified application. The period for response to the Official Action has been extended to expire on May 17, 2000, by the filing herewith of a Petition for a Four Month Extension of Time and payment of the required fee.

The Official Action notes that the Declaration is missing. The executed Declaration is submitted herewith along with the fee of \$130.00.

However, Applicants note that the Declaration was executed by only one of the inventors for himself but on behalf of the remaining inventors in accordance with 37 C.F.R. 1.47(a).

Also submitted herewith is a Petition under 37 C.F.R. 1.47(a) setting forth in detail the facts establishing that the remaining inventors are not available. The required fee under 37 C.F.R. 1.17(i) in the amount of \$130.00 is also submitted herewith.

The Commissioner is authorized to credit any overpayment and charge any deficiency in any fees required for acceptance of this response under 37.C.F.R. 1.16 and/or 1.17 to deposit account #02-0200.

Serial No.: 09/425,289

In view of the submission of the executed declaration and the Petition under 37 C.F.R. 1.47(a), it is believed that the application is now complete and Applicants look forward to receipt of the Official Filing Receipt in due course.

Respectfully submitted,

BACON & THOMAS, PLLC

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RESPONSE TO MISSING PARTS.wpd

May 17, 2000

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | * FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|---------------------------|
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09/425,289 10/25/99 TONER

REF/TONER/19

BACON & THOMAS PLLC
625 SLATERS LANE 4TH FLOOR
ALEXANDRIA VA 22314-1176

0242/1117



NOT ASSIGNED

1616

DATE MAILED:

11/17/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 130.00.

- ☐ 1. The statutory basic filing fee is:
☐ missing.
☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$_____ for _____ total claims over 20.

\$_____ for _____ independent claims over 3.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1. 63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202